



GOVERNMENT OF INDIA

Chandigarh Administration Gazette

Published by Authority

NO. 28] CHANDIGARH, MONDAY, MARCH 01, 2021 (PHALGUNA 10, 1942 SAKA)

CHANDIGARH ADMINISTRATION
(DEPARTMENT OF INFORMATION TECHNOLOGY)

Notification

The 26th February, 2021

No. 181/IT/2021/580.—The Administrator, Union Territory Chandigarh is pleased to notify Right of Way Policy, 2021 for Chandigarh Administration to regulate underground infrastructure (optical fibre) and overground infrastructure (mobile towers). The Policy is intended to amend any existing notifications, circulars, rules, bye-laws, regulations where ever necessary regarding obtaining permission for installation of telecom infrastructure from various authorities in the Chandigarh Administration or any board, corporation in Chandigarh. This policy supersedes all related orders, notifications etc. including Memo No. 26/6/22-UTFI(3)-2015/2140, dated 9th March, 2015.

CHAPTER I

PRELIMINARY

1. Short title, extent, applicability and commencement :

- This Policy may be called the 'Chandigarh Right of Way Policy for Telecom Infrastructure'.
- It shall extend to the whole of Chandigarh.
- It shall come into force from the date of its publication in the official Gazette.
- It shall be administered by the Department of Information Technology, Chandigarh Administration.

2. Definitions.—(1) In this policy, unless the context otherwise requires,—

- “Act” means the Indian Telegraph Act, 1885 (13 of 1885);
- “Appropriate authority” means any authority designated by Chandigarh Administration from time to time;
- “State Government” means U.T. Chandigarh Administration;
- “Licensee” or “applicant” under this policy means any person holding a license issued under sub-section (1) of section 4 of the Act or an infrastructure provider-I registration certificate issued by the Department of Telecommunication;
- “Overground telegraph infrastructure” means a telegraph or a telegraph line/telecom tower established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line, including movable communication infrastructure;

Signature Not Verified
Digitally signed by
JATINDER KUMAR
Date: 2021.03.01
15:47:43 IST
Reason: Published
Location:

(f) “Rules” means the Indian Telegraph Right of Way Rules, 2016.

(g) “underground telegraph infrastructure” means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.

(2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. **Applicability.**—The appropriate authority designated by the Chandigarh Administration shall exercise the powers under this policy on an application for establishment and maintenance of underground or overground telegraph infrastructure by any licensee on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, subject to any conditions and restrictions as may be imposed in such notification.

4. **Nodal officer to be designated by local authority, etc.**—(1) The Additional District Magistrate, Chandigarh shall be designated as appropriate authority to carry out the purposes and objects enshrined in the rules.

(2) The Department of Information Technology, in coordination with appropriate authority shall develop a single window electronic application process within a period of six months from the date of coming into force of this policy for submission of all applications relating to Right of Way. Till this electronic system is developed the applications shall be processed manually.

(3) The other Departments/Local Authorities/ Agencies involved in the present policy, shall appoint a Nodal Officer within a period of 7 days of the Notification of this policy, to receive and process the applications in this behalf. The particulars and contact details of such Nodal officers shall be published on the website of such department/local Authority/ Agency along with his/her contact details.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

5. **Application by a licensee/applicant.**—(1) A licensee/applicant shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in any private person or under the control of any Central Government, State Government or any other local authority, make an application, supported by such documents (as specified in Appendix C), to the Appropriate Authority, in such form and manner as may be specified by that appropriate authority.

(2) The information along with supporting documents to be provided by the licensee/applicant in the application made under sub-rule (1) shall include—

- (i) a copy of the license/registration certificate granted by the Department of Telecommunications, Government of India;
- (ii) the details of underground telegraph infrastructure proposed to be laid;
- (iii) the mode of and the time duration for, execution of the work; (as specified)
- (iv) the time of the day when the work is expected to be done in case the licensee/applicant expects the work to be done during specific time of the day;
- (v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee/applicant;
- (vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (viii) any other matter relevant, in the opinion of the licensee/applicant, connected with or related to the work proposed to be undertaken; and

- (ix) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority:

Provided that the licensee/applicant shall, while making the application, give a specific commitment that he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

- (3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as per Appendix A.
- (4) Charges mentioned in clause 5(3) will not apply to M/s Bharat Broadband Network Limited (BBNL).

6. Grant of permission by appropriate authority.—(1) The appropriate authority shall get the application examined with respect to the following parameters, namely:—

- (a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
- (b) the mode of execution;
- (c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
- (d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee/applicant;
- (g) any other matter, consistent with the provisions of the Act and this policy, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, State Government or the appropriate local authority.

(2) The appropriate authority shall within a period not exceeding sixty days from the date of application made under rule 5—

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, as may be specified, subject to the provisions of the Act and rules and the present policy; or
- (b) reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant licensee/applicant has been given an opportunity of being heard on the reasons for such rejection :

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

(3) Where the appropriate authority accepts the undertaking by the licensee/applicant to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of sub-rule (2), may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) The permissions for Right of Way for laying the communication & connectivity infrastructure and associated installations shall be granted for a period coterminous with the period of permission/ license/registration granted by the Department of Telecommunications, Government of India.

(5) Permissions granted for laying of underground telecom infrastructure and installation of the associated infrastructure shall be provided to the applicant as per clause 6(2) on Non-Exclusive Basis under this policy.

(6) The local authority may earmark a predefined route alignment along the internal road circulation network as per the required specifications (with or without a duct) as part of their development works for laying of the telecom infrastructure so as to avoid repeated digging and/or to facilitate the applicant seeking permissions to lay the cables in future. The concerned local authorities are encouraged to provide for common ducts. Modalities for this shall be worked out separately.

(7) The fee and others for charges for underground infrastructure are prescribed in Appendix -A.

7. Obligations of licensee in undertaking work.—(1) The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure:

Provided that the appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the licensee seeking such extension.

(2) The licensee shall ensure that –

(a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and

(b) the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(c) The licensee/applicant will be liable for repair/restoration of any damage caused to the property or to essential services during implementation of the scheme. The licensee/applicant shall ensure making good the excavated trench for laying underground Optical Fibre Cable by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench. Clearing debris/loose earth produced due to execution of trenching the portion for which Right-of Way has been granted.

(3) The licensee/ applicant shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

8. Powers of appropriate authority to supervise the work.—(1) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (2) of rule 6 are observed by the licensee/ applicant.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee/ applicant has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule(2) of rule 6, it may forfeit, in full or in part, the bank guarantee submitted by the licensee/ applicant and cancel the permission granted to the licensee/ applicant, for reasons to be recorded in writing:

Provided that no action shall be taken under this sub-rule unless the licensee has been given an opportunity of being heard.

(4) In case the licensee/ applicant is unable to complete the work in the given time frame, an application for extension of time may be submitted to the appropriate authority. The appropriate authority will examine the reasons for delay and may grant extension of time allowed for execution of work.

(5) Where the appropriate authority is compelled to revoke or cancel the permission, the licensee/ Applicant shall not be entitled for any compensation or any loss caused to it by such cancellation.

CHAPTER III**ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE**

9. **Application by a licensee/ applicant.**—(1) A licensee/ applicant shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in private person or under the control of any Central Government, State Government or any other local authority, make an application, supported by such documents (as specified in Appendix C), to the Appropriate Authority, Chandigarh in such form and manner as may be specified by that appropriate authority.

(2) The information along with supporting documents to be provided by the licensee/ applicant in the application made under sub-rule (1) shall include—

- (i) a copy of the license/registration certificate granted by the Department of Telecommunications, Government of India;
- (ii) the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
- (iii) the extent of land required for establishment of the overground telegraph infrastructure;
- (iv) the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
- (v) the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves;
- (vi) the mode of and the time duration for, execution of the work;
- (vii) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) Certification of the technical/structural design and stability certificate certified by PEC University of Technology, Chandigarh, or any other agency authorized by Chandigarh Administration from time to time, attesting to the structural safety of the overground telegraph infrastructure and of the building, where the post or other above ground contrivances is proposed to be established on a building. This may be given on Form 'J' of the Capital of Punjab (Development and Regulation) Act, 1952.
- (xi) the names and contact details of the employees of the licensee/ applicant for the purposes of communication in regard to the application made;
- (xii) any other matter relevant, in the opinion of the licensee/ applicant, connected with or relative to the work proposed to be undertaken; and
- (xiii) any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority.
- (xiv) Consent of the land owner, government or private, where the tower is proposed to be installed.
- (xv) Clearance from Air Force/Airport Authorities, where needed
- (xvi) NOC from Forest Department, Chandigarh Administration in case the tower is to be installed falls in Forest area

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as per Appendix B.

10. **Grant of permission by appropriate authority.**—(1) The appropriate authority shall examine the application with respect to the following parameters, namely :—

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee/ applicant;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and the rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority;

(2) Where the establishment of the overground telegraph infrastructure renders the immoveable property, vested in the control or management of any appropriate authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the appropriate authority shall be entitled to compensation for the value of the immoveable property, either once or annually, assessed on such rates as that appropriate authority may, by general order, specify;

(3) The permissions for Right of Way for laying the communication & connectivity infrastructure and associated installations shall be granted for a period coterminous with the period of permission/ license/ registration granted by the Department of Telecommunications, Government of India;

(4) The appropriate authority shall, within a period not exceeding sixty days from the date of application made under rule 9—

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge or compensation , subject to the provisions of the Act and the rules; or
- (b) reject the application for reasons to be recorded in writing, provided that no application shall be rejected unless the applicant licensee/ applicant has been given an opportunity of being heard on the reasons for such rejection:
- (c) Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

11. **Obligations of licensee/ applicant in undertaking work.**—(1) The licensee/ applicant shall ensure that –

- (a) prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;

- (b) the work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

12. Powers of appropriate authority to supervise the work.—(1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure, including movable infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 are observed by the licensee/ applicant.

- (2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.

- (3) If the appropriate authority comes to the conclusion that the licensee/ applicant has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (3) of rule 10, it may cancel, for reasons to be recorded in writing, the permission granted to the licensee:

Provided that no action shall be taken under this sub-rule unless the licensee/ applicant has been given an opportunity of being heard.

Where the appropriate authority is compelled to revoke or cancel the permission, the “ Licensee/ Applicant” shall not be entitled for any compensation or any loss caused to it by such cancellation.

- (4) In case the licensee is unable to complete the work in the given time frame, an application for extension of time may be submitted to the appropriate authority. The appropriate authority will examine the reasons for delay and may grant extension of time allowed for execution of work.

13. Restrictions of Location, Footprint and Height.—(1) The height of the Mobile/Communication Tower shall be approved/ certified by Standing Advisory Committee on Radio Frequency Allocation (SACFA) and shall be subject to the norms and mechanism laid down by Department of Telecommunications, Government of India, from time to time.

(2) The EMF radiation from active equipment installed by Telecom Infrastructure Provider on the mobile communication Towers shall be subject to the norms & mechanism lay down by DoT GoI from time to time. TERM cell (License Service Area) unit of the Department of Telecommunication, Govt. of India is the competent agency to tender advice, monitoring and ensuring the control on EMF radiation related matters. The respective TERM cell (License Service Area) unit can audit for EMF radiation at any time as per the Department of Telecommunications Guidelines.

(3) The terms and conditions/guidelines issued/ notified by the Department of Telecommunications, Government of India in respect of any conditions applicable to the Infrastructure provider or licensees, as amended from time to time, shall be applicable and will be the binding in all cases. Distance from nearby building and height of antennas should be governed as per latest Department of Telecommunication Guidelines amended for time to time.

14. Sharing of towers.—A Certificate shall be furnished by licensee/ applicant installing Tower that it is designed to be used by minimum 3 operators. The Appropriate Authority shall decide the details regarding sharing of telecom infrastructure, from time to time.

15. Permission for movable communication infrastructure.—(1) Permissions granted for moveable communication Towers/Cell on Wheels or any other temporary infrastructure for managing the events/festivals/fairs shall be co-terminus with the period of that event or against a specific requirement to provide communication facility to public at large. Before installation of moveable communication Towers/Cell on Wheels, a formal application shall be required to be submitted alongwith the reason to the concerned Appropriate Authority and the permission shall be granted by the concerned nodal officer within 10 days from the date of receipt of said formal request. In case the permission is not granted within 10 days from the date of receipt of a formal request

by the Applicant to the concerned Appropriate Authority, the same shall be deemed granted. No fee/charge shall be charged for such cases. In the event of any Disaster, the permission to set up COW may be sought from the Appropriate Authority.

- (2) In case moveable communication Towers/Cell on Wheels are installed in lieu of permanent infrastructure to cover the blank areas, a formal permission will be required to be obtained by the Licensee/ applicant after paying the requisite fee/charges as mentioned in Appendix B along with all documents as specified in Appendix C. The period will be extended till the time the permission for the site to set up a permanent infrastructure is granted as per the provisions of this policy.
- (3) Permission(s) granted to the licensee/ applicant under this policy will not be transferable and will be applicable only for the period for which it has been granted. The permission granted under the Policy shall not, in any manner, be deemed to convey to the 'licensee/applicant' any ownership or perpetual rights in respect of the land or structures used for laying the underground/overhead cables or other installations e.g. any Towers/ Masts etc.

16. In Build Solutions (IBS):—This policy intends to promote installation of In Build Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multistory building, education institutions and objective is to strengthen quality of service of mobile network

- (1) In Build Solution component being a small equipment can be installed on any type of land/building/ utility pole and there is no requirement of getting the permission for installation of these components from the Appropriate Authority but it is required to get permission from the Administrative Authority of the concerned building, applicable only for Government buildings.
- (2) There shall be no fee to be charged for IBS. However, charges can be levied for provision of power, fixtures, etc. if taken by the licensee/applicant.

17. Micro Communication Equipment/Pole.—This policy intends to promote installation of Micro Communication Equipment/ Pole, where installation of Mobile towers may not be feasible. The licensee/ applicant, shall submit filled up application with all the relevant information and documents to the Appropriate Authority, who shall issue permit/ permission to the Licensee/Applicant. The following documents may be sought from the Licensee/ Applicant :—

- (a) Copy of relevant license/Infrastructure Provider Registration Certificate from Department of Telecommunications, Government of India ;
 - (b) Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory ;
 - (c) Indemnity Bond (Original) to take care of any loss or injury to accident cause by the tower (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from) ;
 - (d) Copy of No objection Certificate from building /land owner which mobile tower is proposed to be installed & authorized person in case of Government premises ;
 - (e) Any other document that appropriate authority deems fit;
- (1) The rejection of application, appeal procedure shall be same as for other overground infrastructure as stated in this policy;
 - (2) One time permission charge of Rs. 3000 shall be applicable for establishment of Micro Communication Equipment throughout UT Chandigarh.

CHAPTER IV

SUBMISSION AND PROCESSING OF APPLICATIONS

18. **Time-lines for decisions on the Applications.**—The Chandigarh Administration will adhere to the following time-lines for grant of the relevant permissions :

S. No.	Event	No. of working days
(i)	All applications for seeking permission to lay the communication infrastructure Above Ground or Under Ground, shall be submitted by the Applicant to the Appropriate Authority.	0 day
(ii)	Appropriate Authority will forward the application to the concerned Nodal Officer of the department including nodal officer of forest department (if applicable)	05 days
(iii)	The concerned nodal officer of the department/ forest department shall process the applications and submit its recommendation to the Appropriate Authority. Each concerned department/authority will process the application concurrently and not sequentially. In case the concerned department/ authority does not process the application in 20 days, the application will be deemed to be approved from that department/authority. While processing the said application, the concerned department/ authority shall take into consideration not only the existing infrastructure services and their safety and operations but also future requirements of widening of the roads or augmentation of services.	30 days
(iv)	The appropriate authority will convey in writing to the applicant: (i) Approval /rejection (with reasons) (ii) Letter of Intent (LoI) (iii) Demand Notice for various charges including the performance Bank Guarantee as per the rates decided.	05 days
(v)	Compliance of the LoI conditions by the applicant and deposit of various charges. The LoI may be cancelled if no compliance is received.	07 days
(vi)	As soon as the LoI holder completes the documentation and deposits all the relevant charges, including the performance Bank Guarantee, the Appropriate Authority shall issue a formal permission in favour of the applicant so as to enable the “Applicant” to commence execution of related infrastructure works.	05 days from the date of receipt of papers from the LoI holder

19. **Electrical power to Licensee/ Applicant** :—Mobile communication tower being a critical infrastructure, Energy Department to give priority in providing electrical power connection to Mobile Towers and Telecom equipments. Same shall be provided with 14 days from the date of submission of application and relevant documents. The power distribution companies should ensure that disconnection of electrical power if required is executed with prior written notice atleast 30 days given to the concerned Licensee/ Infrastructure Provider.

CHAPTER V

RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELEGRAPH INFRASTRUCTURE

20. **Right of appropriate authority to seek removal, etc.**—(1) Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any underground or overground telegraph infrastructure under, over, along, across, in or upon, any immoveable property, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee/ applicant, being the owner of such telegraph infrastructure, to remove or alter its location.

(2) On receipt of the notice under sub-rule (1), the licensee/ applicant shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal, repair or alteration of such telegraph infrastructure.

(3) The appropriate authority shall, after examination of the detailed plan submitted by the licensee/ applicant under sub-rule (2), pass such orders as it deems fit:

Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time to the licensee/ applicant for removal or alteration of such telegraph infrastructure:

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the licensee/ applicant.

CHAPTER VI

DISPUTE RESOLUTION

21. **Disputes between licensee and appropriate authority.**—Advisor to the Administrator of Chandigarh, shall be the Appellate Authority against the orders of the Appropriate Authority. Appeal against the order of the Advisor to the Administrator of Chandigarh shall lie to the Government of India as per the provisions of Right of Way Rules, 2016.

VINOD P. KAVLE, IAS,
Secretary, Information Technology,
Chandigarh Administration.

Appendix-A
Schedule of Charges for underground infrastructure

Sr. No.	Description	Restoration Charges
1	ROW/One Time Charges	Rs. 1000/- Kilometre. For under Ground OFC
2	Annual User Fee	<p>Rs. 100/- per pit/manhole Rs. 10/-per Mtr for OFC Rs. 10/- per Mtr for cables using poles.</p> <p>The above annual charges will be taken for 5 years at the time of grant of permission. These annual charges will be re-fixed after a period of 5 years (2018-2023) for another block of 5 years and so on.</p> <p>In cases where telecom cables such as optical fiber cables etc. have to be laid underground by any method such as duct & conduits, tunneling core, etc. the service provider will be expected to conduct the entire operation of laying the cable fiber and restoring the site and all related infrastructure to its original and useable condition at their own cost. In case, the service provider/ infrastructure provider chooses not to rehabilitate the site/infrastructure or is unable to do so within a period of 30 days after laying the infrastructure, the Municipal Corporation shall execute the rehabilitation of the site/road by levying the restoration charges as at Sr. No. 3.</p>
3	Restoration Charges including 15% Supervision Charges	<p>V-3, V-4, V-5 Road : Rs. 802.23/Mtr V-6 Road & Parkings : Rs. 436.81/Mtr Paver Blocks : Rs. 631.62/Mtr Road Berm : Rs. 130.68/Mtr Inspection Chamber/Manhole : Rs. 13019.6/Mtr Pit on Kutcha : Rs. 522.72/Mtr Pit on Pavers : Rs. 2493.7/Mtr Pit on Road : Rs. 3199.24/Mtr</p> <p>The above Charges will be 50% for laying by HDD method with a maximum dia of duct as 120mm.</p> <p>Supervision Charges @ 15% of Restoration Charges will be taken on above rates.</p> <p>The restoration road cut charges will increase 10% annually from 01st April of every year.</p>
4	Performance Bank Guarante (Amount of PBG to be reviewed after every 5 years)	A Performance Bank Guarantee @ Rs. 60.5/- per mtr. length with a validity of one year initially (extendable if required till satisfactory completion of the work) will be furnished by the agency as a security against improper filling, unsatisfactory compaction/ restoration and damages caused to other underground installations/ utility services and interference/ interruption/ disruption or failure caused thereof to any services. The above charges can be reviewed from time to time keeping in view the restoration cost.
5	Supervision Charges	15% of Total Restoration amount
6	GST	18% of the Total Restoration amount

Note :

1. These above said charges will be increased @10% w.e.t 1st April of each year.
2. The other terms and conditions will remain the same as approved in the 243rd meeting of General House of the Municipal Corporation, Chandigarh.
3. The Performance Bank Guarantee as a security against satisfactory completion of work by agency for a period of 06 months over and above the project completion period. In case of time over runs for completion of the works, the bank Guarantee shall be renewed/got extended by the applicant corresponding to the revised completion + 6 months. The applicant shall obtain formal permission for time extension from the appropriate authority. However, Performance Bank Guarantee will be immediately returned on satisfactory completion of the work by the agency.
4. The agency/contractor will carry out GPR survey along the route where the duct has to be laid for detection of existing utilities. The data for utility collected through GPS survey would be unconditional shared with MCC free of cost.
5. Permission granted to the agency/contractor will not be transferable and will be applicable only for the period for which it has been granted.
6. If required, the MCC can direct the Contractor/agency to change the optical fiber cable in stipulated time period or shift the cable to other area and the applicant license shall be bound to do the same for which all the expenses would be borne by the contractual agency.
7. Responsibility of public safety will lie with Contractor/agency during establishment or post establishment of Mast, Pole and laying of cable, during its maintenance or other related activities. The contractor/agency shall take all necessary safety steps and measures while executing the work and they will indemnify the MCC against any accident and damage caused to life or property during.
8. The contractor/agency or any 3rd party will not be allowed to display any advertisement on the Mast and Pole without permission of Appropriate Authority.
9. In case of any damage to the essential Municipal Services i.e water supply, sewerage system and telecommunication lines, electricity supply etc. it will be the responsibility of the contractor/agency to inform Municipal Corporation within 24 hours. In case of failure of non-reporting, then the Bank Guarantee will be immediately forfeited. If the actual amount of damage is more than the amount of bank Guarantee then, the same shall be recovered from the agency.
10. The permission will be granted by MCC within a period of 2 weeks subject to the application being complete with route details and fulfilment of all terms and condition as per guidelines.
11. An agreement will be executed between the contractor/agency and MCC regarding compliance of all terms and condition.
12. Contractor/agency will give a notice of 15 days with route details prior to trenching for maintenance/repair work will be furnished by the contractor/agency.
13. In case of any dispute between the contractor/agency and MCC, the Commissioner, Municipal Corporation, Chandigarh will be the final authority for settlement of such dispute and such decision will be binding on both the parties.
14. For construction of RCC manhole, the structure will be designed as per the norms of Indian Road Congress. The agency will be responsible for maintenance and upkeep of the manholes from time to time. If any manhole comes in the way of approved alignment of any proposed water supply, sewerage of any other service, the agency will be bound to shift or remove the manhole/ cable and make changes at its own cost.

Appendix-B
Schedule of Charges for overground infrastructure

Sr. No.	Type of Charges	Charges
1.	Permission and Administrative Charges for overground infrastructure (One-time- Non-Refundable)	Rs. 10, 000/-
2.	Rental charges when tower is placed on Government land and buildings. Rental charges when tower is placed on the building rather than on the ground (Govt land)	Rs. 5,00,000/- per annum Rs. 3,00,000/- per annum

Appendix C
Documents to be attached with the Application

1. Application (in duplicate) for permission for establishment of overground communication and connectivity Infrastructure or for its renewal shall be submitted to the concerned appropriate authority in the relevant form, along with following documents:—

- (i) A copy of the license/registration certificate granted by the Department of Telecommunication (DoT) Ministry of Communication Government of India;
- (ii) Location Plan (Scale 1:1000) showing the site with reference to the surrounding existing developments;
- (iii) The detailed technical design and drawings of the tower/post or other aboveground infrastructure including the specification of foundation. In case the tower /post etc. is in the vicinity or adjoining to high or low tension line, then its distance from the same shall be clearly indicated in the drawings;
- (iv) Form J of the Capital of Punjab (Development and Regulation) Act, 1952, the structural design of the tower, certified by PEC University of Technology.
- (v) Copy of No-objection Certificate issued by the Fire and Emergency Services Department, Municipal Corporation Chandigarh, in case of buildings where fire clearance is mandatory;
- (vi) Copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance/ copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee will take corrective actions/ remove the tower; *(Note:- the copy can be submitted to the Nodal Officer as soon as the location is finalized and the tower is installed).*
- (vii) For Forest/Protected Areas, the copy of clearance from the Department of Forest and Wildlife, Chandigarh Administration, if applicable;
- (viii) Acknowledgement receipt issued by TERM Cell,(License Service Area), Punjab, of the self-certificate submitted by Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation(EMR) exposure limit as per peak traffic measurement after the antennas starts radiating; *(Note:- It can be submitted within 30 days after tower starts radiating).*
- (ix) Time schedule (Stretch-wise) for completion of the work;
- (x) Attested copy of lease Agreement Deed/Consent Agreement Deed, signed by the applicant and the owner of the site/building;
- (xi) No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower;
- (xii) In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application;

- (xiii) Indemnity bond to indemnify the appropriate authority in the prescribed format against (i) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (ii) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;
- (xiv) Self-Certificate by the licensee/ applicant that the infrastructure is designed to be used by minimum 3 operators and that an operator installing antenna on it does not have another antenna installed in a radius of 300 mtrs. around the tower.
- (xv) Undertaking as per Appendix-D shall be submitted by the "License/Applicant" along with the application.
- (xvi) Provided that the licensee/ applicant shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken. Make format for this.
- (xvii) This list may be changed by the appropriate authority from time to time.

2. Application for permission to lay underground telegraph infrastructure or taking fibre to home in the right of way shall be submitted to the concerned appropriate authority in the relevant form, along-with following documents :—

- (i) a copy of relevant License/ infrastructure provider registration certificate granted by the DoT;
 - (ii) Detail of the location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land;
 - (iii) the detailed technical design and drawings of the post or other above-ground contrivances (in case of over ground cabling);
 - (iv) Time schedule (Stretch-wise) for completion of the work;
 - (v) Indemnity bond to indemnify the Government/ Local Body/ Authority in the /prescribed format against (i) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (ii) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;
 - (vi) Undertaking as per Appendix-D shall be submitted by the "Applicant" along with the application;
 - (vii) For Forest/Protected Areas, the copy of clearance from Department of Forest and Wildlife, Chandigarh Administration, if applicable; (*Note:- NOC of Forest Deptt. would not be required in areas not covered under Forest/Protected Areas.*)
3. The Applicant shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under this policy. However, once the provision for payment gateway is provided, payments shall be made online only.
 4. The Applicant shall furnish such other relevant information as may be required by the Appropriate Authority from time to time.
 5. The Applicant may also submit the soft copy of the application along with all the forms, statements and documents.
 6. In cases where applications for permission for establishment of communication and connectivity Infrastructure has been submitted under the existing policy but permission has not been issued, then in such cases, there would be no need to submit fresh application. However the Applicant shall submit request for grant of approval along with documents required under this policy, but not submitted earlier alongwith the fee/charges under this policy. The appropriate authority shall issue the permission in accordance with the rules and this policy.
 7. Permissions such as NOC etc. from the concerned departments/ authorities shall be obtained by the applicant through single window system.

Appendix D**Undertaking by the Applicant (To be printed on Rs. 20/- Stamp Paper)**

We _____ (Name of Telecom Infrastructure Provider), having its Circle Office at _____ and Registered Office at _____ intend to (laying underground Optical Fibre/ Co-Axial Cables, Erection of Poles for overhead communication cables, Installation of Dish Antennas, Erection of Ground Based Mast GBM/ GBT/RTT/RTP Communication/ Mobile Tower) _____ at _____ (Address/ Location). We have moved an application dated _____ seeking permission from the appropriate authority. In this regard, we hereby undertake the following:—

1. To pay all the applicable charges and the Performance Bank Guarantee, as specified in the Schedule of Charges to the agency according permission without any default;
2. To maintain the infrastructure facilities in good and safe condition at all times during the O&M period;
3. To execute an Agreement with the competent authority;
4. To re-lay/ re-align the communication network/ relocate the poles/dish antenna/ communication/ mobile tower/ ground based mast at its own cost in the event of requirement of the area for augmentation of public services e.g. widening of roads, pedestrian walkways, water supply and distribution network, sewage/ drainage network etc.);
5. To abide by the terms and conditions of grant of permission & adherence to the radiation norms as prescribed by the Department of Telecommunications, Government of India or the TRAI.

(Authorized Signatory)

Name of the Authorized Signatory
Along with Company Seal

Date :
Place :

"No legal responsibility is accepted for the contents of publication of advertisements/public notices in this part of the Chandigarh Administration Gazette. Persons notifying the advertisements/public notices will remain solely responsible for the legal consequences and also for any other misrepresentation etc."